

FILED

June 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50096

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

VICTOR GARCIA-RODRIGUEZ also known as, Victor
Rodriguez-Garcia

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(03-CR-593)

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the appellee's unopposed motion to vacate sentence is granted.

IT IS FURTHER ORDERED that the appellee's unopposed motion to remand case to district court for resentencing is granted.

IT IS FURTHER ORDERED that the appellee's unopposed alternative motion to extend time to file appellee's brief until

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

14 days after denial of motion to vacate and remand is moot.